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July 1, 2003

Debbie Regel
Enforcement Specialist
U.S. Environmental Protection Agency
Emergency Enforcement & Support Section, SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

RE: Request for Information pursuant to CERCLA § 104 (e) for
Gary Development Landfill Site, Gary, Indiana

Dear Ms. Regel:

I represent Mr. Lawrence H. Hagen, Sr. with respect to the above referenced matter. The following responses to U.S. Environmental Protection Agency's Request for Information dated March 24, 2003, were prepared for Mr. Lawrence H. Hagen, Sr. Mr. Hagen has signed this letter as to the responses, and I have signed this letter as to the objections and the preparation of the responses.

- 1. Identify all persons consulted in the preparation of the answers to these Information Requests.*

RESPONSE TO REQUEST NO. 1

I consulted with Bose McKinney & Evans LLC in the preparation of the answers to these Information Requests.

- 2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.*

RESPONSE TO REQUEST NO. 2

Responsive documents are enclosed with these responses.

3. *If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.*

RESPONSE TO REQUEST NO. 3

William M. Nanini may be able to provide more detailed or complete responses to one or more of these Information Requests.

4. *Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting therefrom.*

OBJECTION TO REQUEST NO. 4

I object to this Information Request on the grounds that it is defective in form. The Request assumes that I had employees, contractors or agents and assumes that such employees, contractors or agents may have caused the release or threat of release of certain substances. I did not personally have employees, contractors or agents with respect to the Gary Development Landfill. My actions with respect to the Gary Development Landfill were on behalf of the Gary Development Company only. Also, the Request assumes the existence of a release or threat of release of certain substances.

RESPONSE TO REQUEST NO. 4

Without waiver of the above objection, I do not have any knowledge that there has been any release or threat of release of hazardous substances, pollutants, or contaminants.

5. *Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, or by prior owners and/operators.*

OBJECTION TO REQUEST NO. 5

I object to this Information Request on the grounds that it is defective in form. The Request assumes that I had contractors and assumes that such contractors and I may have engaged in the generation, transportation, treatment, disposal, or other handling of

hazardous substances with respect to the Gary Development Landfill. My actions with respect to the Gary Development Landfill were on behalf of the Gary Development Company only.

RESPONSE TO REQUEST NO. 5

Without waiver of the above objection, I am not aware of any hazardous substances disposed in the landfill, or in containers in buildings at the Site.

6. *Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials at the Site? If the answer to the preceding question is anything but an unqualified "no", identify:*

OBJECTION TO REQUEST NO. 6

I object to this Information Request on the grounds that it is defective in form. The portion of the Request noted above uses the phrase "hazardous substances or materials" while the sub-parts 6(a)-6(f) only use the phrase "hazardous substances." Gary Development Company always intended to accept, and believed that it accepted, only non-hazardous wastes. Additionally, I object to this Request on the grounds that it is unduly burdensome to the extent that the information sought by this Request was the subject of the U.S. EPA proceeding styled "In the Matter of Gary Development Company, Inc., 479 North Cline Avenue, P.O.Box 6056, Gary, Indiana, 46406, Ind. 077-005-916," Docket No. RCRA V-W-86-R-45. (The EPA RCRA Proceeding.) U.S. EPA obtained such information at that time. It is unduly burdensome to require me to attempt to supply such information at this time, on the basis of memory, when EPA presumably has the transcript of that proceeding, including exhibits, and thus has much more complete information that would be responsive to this Request, including its sub-parts.

RESPONSE TO REQUEST NO. 6

I never purchased, stored, treated, disposed, transported or otherwise handled any hazardous substances or materials at the Site in an individual capacity and, to my knowledge, Gary Development Company disposed materials consisting only of non-hazardous waste in the landfill at the Site.

- a) *The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;*

RESPONSE TO REQUEST NO. 6 a

Not applicable.

b) Who supplied you with such hazardous substances;

RESPONSE TO REQUEST NO. 6 b

Not applicable.

c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;

RESPONSE TO REQUEST NO. 6 c

Not applicable.

d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;

RESPONSE TO REQUEST NO. 6 d

Not applicable.

e) Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you; and

RESPONSE TO REQUEST NO. 6 e

Not applicable.

f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.

RESPONSE TO REQUEST NO. 6 f

Not applicable.

7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or

treatment of waste materials, including hazardous substances, at the Site or to the Site. In addition, identify the following:

OBJECTION TO REQUEST NO. 7

I object to this Information Request on the grounds that it is defective in form. The Request assumes that I may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. My actions with respect to the Gary Development Landfill were on behalf of the Gary Development Company only. Additionally, Gary Development Company always intended to accept, and believed that it accepted, only non-hazardous wastes. Thus, all responses to sub-parts 7(a) - 7(q), are without any admission or representation that any constituent of any material brought to the Site, constituted or contained hazardous substances. Additionally, I object to this Request on the grounds that it is unduly burdensome. The information sought by this Request was the subject of the EPA RCRA Proceeding and thus U.S. EPA obtained the information at that time. It is unduly burdensome to require me to attempt to supply such information at this time, on the basis of memory, when EPA presumably has the transcript of that proceeding, and thus has much more complete information that would be responsive to this Request, including its sub-parts.

RESPONSE TO REQUEST NO. 7

Gary Development Company and its customers made arrangements for waste materials from such customers to be disposed in the landfill at the Site. I would have handled the arrangements on behalf of Gary Development Company. The following were customers of Gary Development Company. I have identified these customers on the bases of a 3x5 card file that I recently located and my memory:

A-Able Disposal Systems, Inc. - Chicago, IL
Able Disposal - Chesterton, IN
Acme Scavenger Service, Inc. - Crestwood, IL
Active Service Corporation - Evanston, IL
American Flyash Co. - Des Plaines, IL
Anchor Scavenger Service - Tinley Park, IL
BorgWarner Spring Division - Bellwood, IL - The hauler was BFI Vandermullen.
Brandt Construction Company - Griffith, IN
B-W Disposal Service Inc. - Orland Park, IL
C. Post Disposal Service - Cicero, IL
Calumet Waste Systems - Hammond, IN - a division of Waste Management
Clark Material Handling, Inc. - E. Chicago, IN
Clearway Scavenger Service - Lombard, IL

Commercial Waste - Crown Point, IN
Components Corporation - E. Chicago, IN
East Chicago, City of - E. Chicago, IN
Emmet's Disposal Service - Forest Park, IL
Evergreen Scavenger Service, Inc. - Evergreen Park, IL
Fred Barbara Trucking - Chicago, IL
Fred C. Rowley - Hammond, IN
Gariup Construction Company - Gary, IN
General Drainage
General Refuse Disposal, Inc. - Worth, IL
Groen Brothers Waste Disposal Service - Blue Island, IL
Great Lakes Disposal - Blue Island, IL
Hammond, City of - Hammond, IN
Henry Eggers Company - Whiting, IN
Hoving & Sons, Inc. - Chicago, IL
Illiana Disposal, Inc. - Highland, IN
Illiana Distribution - Crete, IL
Independent Waste Systems - Gary, IN
Industrial Disposal Corp. - E. Chicago, IN
(later known as Theata, now known as Laidlaw of Canada Ltd.)
M & R Wrecking - McCook, IL
McDaniels Waste - Crown Point, IN
Midwest Disposal - Crown Point, IN
National Power Rodding Corp. - Chicago, IL
National Scavenger Service - Chicago, IL
P. Zaccari - Roselle, IL
Peter Laning Sons, Inc. - Lansing, IL
Red Top Trucking - Hammond, IN
Royal Disposal Service - South Holland, IL
Sanitation Service, Inc. - Gary, IN
Schaaf Disposal, Inc. - South Holland, IL
Service Waste, Inc. - Whiting, IN
South Chicago Disposal - Chicago, IL
South Town Disposal Service - Palos Heights, IL
Top Disposal Service, Inc. - Hillside, IL
Tri-Creek Disposal - Lowell, IN
Triple R Scavengers Inc. - Hammond, IL
Van Tholen Disposal, Inc. - Berwyn, IL
Waste Haul, Inc - Flying Dutchman - Crown Point, IN
Loop Transfer - Chicago, IL } (These are sister companies)
D & D Disposal - Chicago, IL }

- a) The persons with whom you or such other persons made such arrangements;*

RESPONSE TO REQUEST NO. 7 a

I remember dealing with Dan McArtle when he worked for Industrial Disposal and when he was later manager for Clark Material Handling. I do not remember the names of any other representatives of any customers of Gary Development Company. Some representatives may be identified on the basis of 3x5 card file recently located. (Copies attached.)

- b) Every date on which such arrangements took place;*

RESPONSE TO REQUEST NO. 7 b

I do not remember any specific dates on which any such arrangements took place. There are no records in existence I am aware of that would have any of this information.

- c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;*

RESPONSE TO REQUEST NO. 7 c

I do not remember the chemical composition, characteristics or physical state of any materials brought to the Site for disposal in the landfill except as follows: all materials were either rubbish and garbage, or solid construction debris like broken concrete, except for a sludgy liquid from American Chemical Services, that I understand was not toxic and could be safely handled and disposed once it was mixed with sand to make it non-flammable. Also, American Flyash was located on-site in the northeast corner of the landfill. That factory mixed their impounded water with flyash to make a slurry, which it pumped onto the top of the landfill. The slurry hardened into a soft rock-like substance that was broken up and spread on the landfill to keep down dust. Additional information relating to the chemical composition, characteristics and physical state of some of the materials brought to the Site for disposal in the landfill is set out in the EPA RCRA Proceeding. There are no other records in existence I am aware of that would have any of this information.

- d) The owner of the waste materials or hazardous substances so accepted or transported;*

RESPONSE TO REQUEST NO. 7 d

I do not know who owned any such materials. I assume that the companies that generated the waste materials owned them, but I do not know that.

- e) The quantity of the waste material or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;*

RESPONSE TO REQUEST NO. 7 e

I do not remember the specific quantities of such waste materials. There are no records in existence I am aware of that would have any of this information.

- f) All tests, analyses, and analytical results concerning the waste materials;*

RESPONSE TO REQUEST NO. 7 f

I do not remember any specific tests, analyses, and analytical results concerning any waste materials. There are no records in existence I am aware of that would have any of this information.

- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;*

RESPONSE TO REQUEST NO. 7 g

I do not know who selected the Site as the place to which waste materials were to be transported. I assume that the companies that generated the waste materials and/or the companies that transported the waste materials made such decision, but I do not know that. I know that Gary Development Company did not select the Site.

- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;*

RESPONSE TO REQUEST NO. 7 h

I do not remember the specific amount paid in connection with any given transaction, or the method of payment, or the identity of the specific person from whom any given payment was received. There are no records in existence I am aware of that would have any of this information.

- i) *Where the person identified in g. above intended to have such hazardous substances or waste materials transported and all evidence of this intent;*

RESPONSE TO REQUEST NO. 7 i

Because I do not know who selected the Site, I cannot respond to this Request.

- j) *Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate Site prior to final treatment or disposal;*

RESPONSE TO REQUEST NO. 7 j

I do not know whether any waste materials disposed at the Site were transshipped through, or were stored or held at, any intermediate Site prior to final treatment or disposal.

- k) *what was actually done to the waste materials or hazardous substances once they were brought to the Site;*

RESPONSE TO REQUEST NO. 7 k

Waste materials brought to the Site were disposed in the landfill and covered at the end of each day with clay and compacted as required by the permit.

- l) *The final disposition of each of the waste materials or hazardous substances involved in such transactions;*

RESPONSE TO REQUEST NO. 7 l

The final disposition of waste materials brought to the Site was disposal in the landfill.

- m) *The measures taken by you to determine the actual methods, means, and Site of treatment or disposal of the waste materials and hazardous substances involved in each transaction;*

OBJECTION TO REQUEST NO. 7m

I object to this Information Request on the grounds that it is defective in form. This Request appears to seek information from a generator or transporter of such materials, not the receiving facility.

RESPONSE TO REQUEST NO. 7 m

As the operator, Gary Development Company knew the actual methods, means, and Site of treatment or disposal of waste materials.

- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;*

RESPONSE TO REQUEST NO. 7 n

Waste materials arrived at the Site in bulk - either in dump trucks, open top roll-offs, or in compactor trucks. Waste materials did not arrive at the Site in containers like barrels or drums.

- o) The price paid for (i) transport or (ii) disposal of (iii) or both, of each waste material and hazardous substance;*

RESPONSE TO REQUEST NO. 7 o

I cannot remember the specific price paid for the transportation and/or disposal of any particular waste materials. There are no records in existence I am aware of that would have any of this information.

- p) All documents containing information responsive to a) - o) above, or in lieu of identification of all relevant documents, provide copies of all such documents;*

RESPONSE TO REQUEST NO. 7 p

I do not have any documents relevant to Request 7(a)-(o). There are no records in existence I am aware of that would have any of this information. I believe the documents that related to some shipments of waste materials to the Site were made exhibits in the EPA RCRA Proceeding.

- q) All persons with knowledge, information, or documents responsive to a) - o) above.*

RESPONSE TO REQUEST NO. 7 a

I was the general manager of Gary Development Company and managed the landfill operations on a daily basis. At the time, I was knowledgeable about the companies that were customers of Gary Development Company, and knowledgeable about the frequency, volume and pricing of the transactions. I do not remember the specifics now. About five years ago, I had a serious illness that involved a protracted high fever, and as a consequence of that illness, my memory is very poor.

- 8. Identify the person or persons who held the authority for decisions regarding the purchase, storage, transfer, acceptance or abandonment of hazardous substances at the Site.*

OBJECTION TO REQUEST NO. 8

I object to this Information Request on the grounds that it is defective in form. The Request assumes the existence and knowledge of "hazardous substances." To my knowledge, waste materials brought to the Site did not contain hazardous substances. Gary Development Company always intended to accept, and believed that it accepted, only non-hazardous wastes. Thus, the response to Request No. 8 is without any admission or representation that any constituent of materials brought to the Site contained hazardous substances.

RESPONSE TO REQUEST NO. 8

No person or persons held any authority for decisions regarding the purchase, storage, transfer, acceptance or abandonment of hazardous substances of the Site. Gary Development Company always intended to accept, and believed that it accepted, only non-hazardous wastes.

- 9. Identify any shareholders of Gary Development Co., Inc. who held the authority for decisions and/or exercised that authority regarding the purchase, storage, transfer, acceptance or abandonment of hazardous substances at the Site.*

OBJECTION TO REQUEST NO. 9

I object to this Information Request on the grounds that it is defective in form. The Request assumes the existence and knowledge of "hazardous substances." To my knowledge, waste materials brought to the Site did not contain hazardous substances. Gary Development Company always intended to accept, and believed it accepted only non-hazardous wastes. Thus, the response to Request No. 9 is without any admission or representation that any constituent of materials brought to the Site contained hazardous substances.

RESPONSE TO REQUEST NO. 9

No shareholders of Gary Development Company held any authority for decisions and/or exercised any authority regarding the purchase, storage, transfer, acceptance or abandonment of hazardous substances at the Site. Gary Development Company always intended to accept, and believed that it accepted, only non-hazardous wastes.

10. Provide copies of all local, state, and federal environmental permits ever granted for the Facility or any part thereof (e.g. NPDES permits, etc.).

RESPONSE TO REQUEST NO. 10

I do not have copies of any local, state, and federal environmental permits that may have been granted for the Facility or any part thereof. I remember that Gary Development Company held permit number 45-2 to operate a sanitary landfill.

11. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify:

OBJECTION TO REQUEST NO. 11

I object to this Information Request on the grounds that it is defective in form. The Request assumes the existence and knowledge of "hazardous substances, pollutants, or contaminants." The Site has not been in operation for many years, I do not have any records that contain such information, and I cannot remember whether any constituent of materials brought to the Site contained hazardous substances, pollutants or contaminants. Also, Gary Development Company always intended to accept, and believed that it accepted, only non-hazardous wastes. Thus, the response to Request No. 11 is without any admission or representation that any given substance that may have been a constituent of materials brought to the Site contained hazardous substances, pollutants or contaminants. Additionally, although your March 24, 2003, letter defines the term "release," the term "releases into the environment" is not defined. The Site was a landfill. The materials brought to the Site were disposed in the landfill.

RESPONSE TO REQUEST NO. 11

I am not aware of any leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants at or from the Site.

a) When such releases occurred;

RESPONSE TO REQUEST NO. 11 a

Not applicable.

b) How the releases occurred;

RESPONSE TO REQUEST NO. 11 b

Not applicable.

c) The amount of each hazardous substances, pollutants, or contaminants so released;

RESPONSE TO REQUEST NO. 11 c

Not applicable.

d) Where such releases occurred;

RESPONSE TO REQUEST NO. 11 d

Not applicable.

e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.

RESPONSE TO REQUEST NO. 11 e

Not applicable.

f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the

results of any soil, water (ground and surface), or air testing undertaken; and

RESPONSE TO REQUEST NO. 11 f

Not applicable.

g) All persons with information relating to these releases.

RESPONSE TO REQUEST NO. 11 g

Not applicable.

12. Did any leaks, spills, or releases of hazardous materials occur on the Site when such materials were being:

OBJECTION TO REQUEST NO. 12

I object to this Information Request on the grounds that it is defective in form. The Request assumes the existence and knowledge of "hazardous materials." The Site has not been in operation for many years, I do not have any records that contain such information, and I cannot remember whether any constituent of materials brought to the Site contained hazardous materials. Also, Gary Development Company always intended to accept and believed that it accepted only non-hazardous wastes. Additionally, although your March 24, 2003, letter defines the terms "hazardous substances" and "materials" it does not define the term "hazardous materials." Thus, I do not know what that term means. Additionally, although your March 24, 2003, letter defines the term "release," the term references the phrase "into the environment" which is not defined. The Site was a landfill. The materials brought to the Site were disposed in the landfill. If disposal in a landfill constitutes "releases into the environment," then all the materials were released into the environment. Thus, the response to Request No. 12 is without any admission or representation that any given substance that may have been a constituent of materials brought to the Site contained hazardous materials.

a) Delivered by a vendor;

RESPONSE TO REQUEST NO. 12 a

I am not aware of any leaks, spills, or releases of hazardous materials.

b) Stored (e.g., in any tanks, drums, or barrels);

RESPONSE TO REQUEST NO. 12 b

I am not aware of any leaks, spills, or releases of hazardous materials.

- c) *Transported or transferred (e.g., to or from any tanks, drums, barrels, or recovery units); or*

RESPONSE TO REQUEST NO. 12 c

I am not aware of any leaks, spills, or releases of hazardous materials.

- d) *Treated.*

RESPONSE TO REQUEST NO. 12 d

I am not aware of any leaks, spills, or releases of hazardous materials.

13. *Provide a list of the hazardous substances and/or chemicals routinely used on a regular basis by the Gary Development Co., Inc. during its operation at the Site, including but not limited to substances used as insecticides and for machinery and vehicle maintenance.*

RESPONSE TO REQUEST NO. 13

Gary Development Company routinely used the following products for maintenance purposes: motor oil, grease, transmission fluid, hydraulic oil, a product called Diesel Dope added to diesel fuel to help injection systems burn better, and starting fluid. Gary Development Company also from time to time had one or two twelve-ounce cans of Raid or a similar product. Gary Development Company also from time to time had one or two small cans of drain cleaner on a shelf in the bathroom, a gallon container of common blue windshield wiper fluid that can be found at any K-mart, one or two five gallon cans of oil based paint, four or five cans of latex paint, a one gallon container of black roofing cement to repair leaks in a roof, a container of Freon for performing maintenance on the air conditioning system and small number of spare electrical capacitors as replacements for the electrical capacitor and the base converter on the air compressor. These were dry capacitors, not oil-filled capacitors. All of these materials were purchased new as products, were used for their intended purposes, and were not wastes, hazardous or otherwise.

14. *Describe how these hazardous substances and/or chemicals which were used by the Gary Development Co., Inc. during its operation at the Site were disposed of by the Gary Development Co., Inc. Provide copies of*

hazardous waste manifests showing the ultimate disposition for these wastes and hazardous substances that were used to maintain and operate the landfill and related machinery.

OBJECTION TO REQUEST NO. 14

I object to this Information Request on the grounds that it is defective in form. The Request assumes that materials used to maintain and operate the landfill and related machinery were disposed, and assumes that any materials disposed were RCRA hazardous wastes for which manifests were required. The response to Request No. 14 is without any admission or representation that any substance used for maintenance and operation was a hazardous substance, or was a hazardous waste that required a hazardous waste manifest or was disposed at all.

RESPONSE TO REQUEST NO. 14

Such materials were not disposed, they were used as products.

15. Did Gary Development Co., Inc. at any time abandon any drums, containers, insecticides, paints, roofing cements, freon cylinders, drain cleaners, windshield wiper fluid, electrical capacitors or any other materials at the Site?

RESPONSE TO REQUEST NO. 15

No. Shortly before December 1999, I was the last person to leave the Site and I purchased a huge armored American padlock and a chain that had links larger than a man's thumb. I padlocked the gate to the Site with this chain and lock. I had two keys to the padlock. I kept one key and gave the second key to a representative of Actin, an environmental services company located in East Chicago, Indiana. I made arrangements with Michael Lopez of Actin to remove the maintenance products from the building at the Site and perform a general cleanup. I estimated the value of the motor oil, transmission fluid, hydraulic oils and other maintenance materials at somewhere between \$500.00 and \$1,000.00 as a credit towards a limited building clean-up. Shortly after that, I received a call from one of Gary Development Company's attorneys, stating that IDEM wanted access to the Site and needed a key. I received this call in Florida, but the key was in Michigan. Shortly thereafter, it is my understanding that Bill Nanini gave IDEM authority to cut the lock that I had placed on the gate, with the understanding that IDEM would agree to take responsibility for the Site, would put a lock back on the Site and check to make sure that no trash was being disposed on the Site, and would give Gary Development Company a key to the new lock. This was relayed to IDEM through Gary Development attorneys on December 9, 1999. IDEM never sent me or to my knowledge,

Bill Nanini, Gary Development Company's attorneys or anyone connected with Gary Development Company a key to the Site. When Actin then attempted to gain access to remove the maintenance materials and perform the general cleanup of the maintenance building, Actin's key would not fit the lock because IDEM had changed the lock. Also, shortly after the first time Mr. Lopez attempted to gain access, he tried again, and could not gain access to the site, because IDOT demolished a bridge over the road in front of the Site and the broken concrete from the bridge demolition blocked the access to the Site in a four-foot high mound of concrete rubble. IDOT also constructed a fence and locked gate across the access road, and this made it impossible to even get close to the Site.

- 16. Provide a detailed list of materials, chemicals, and/or hazardous substances that Gary Development Co., Inc. left at the Site as of July 30, 1997. In addition, describe where the materials originated from, and who was responsible for those materials being left at the Site.*

RESPONSE TO REQUEST NO. 16

Some combination of the materials identified in response to Request No. 13 were at the Site as of July 30, 1997. All of the oil and lubrication products came from Pinkerton, a local distributor and the miscellaneous maintenance materials such as drain cleaner, Raid, spare capacitors, etc. would have been purchased at local hardware stores or K-mart. I made arrangements for the materials to be removed, but those arrangements were thwarted by IDEM changing the locks, not giving any representative of Gary Development Company a key, and IDOT performing activities that blocked access to the Site.

- 17. Identify whether any materials, chemicals, and/or hazardous substances were left at the Site after July 30, 1997, and provide a detailed list of those materials. In addition, describe where the materials originated from, and who was responsible for those materials being left at the Site.*

RESPONSE TO REQUEST NO. 17

To the extent this Request seeks the same information as Request No. 16, see my response to Request No. 16. To the extent it seeks information about any other materials, to my knowledge all waste materials landfilled at the Site remained at the Site as of that date.

- 18. Describe the nature of your daily activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials. If you were not*

at the Site on a regular basis, describe how often you went to the Site and what activities you engaged in on those visits.

OBJECTION TO REQUEST NO. 18

I object to this information on the grounds that it is defective in form. Request assumes the existence and knowledge of "hazardous substances or materials." My knowledge of waste materials brought to the Site did not contain hazardous substances or hazardous materials. Thus, the response to Request No. 18 is without any admission or representation that any constituent of materials brought to the Site contained hazardous substances or hazardous materials.

RESPONSE TO REQUEST NO. 18

I was at the Site every day with exception of vacations and the occasional sick day. I worked on a fulltime basis. I was responsible for overall landfill operations. To my knowledge, the landfill did not purchase, receive, process, store, treat or otherwise handle hazardous substances or hazardous materials. The landfill accepted only non-hazardous wastes.

19. Provide the name, last known address, and telephone number of the employees of Gary Development Co., Inc. who worked at the Site during the years of the landfill's operation and describe the nature of their work at the Site.

RESPONSE TO REQUEST NO. 19

Ed Devries, Jr. - deceased - equipment operator
Lawrence Hagen, Jr. - equipment operator
Justin Smith - equipment operator
Lawrence Hagen, Sr. - general manager.

These individuals had nothing whatsoever to do with making any decisions. Their sole job description was to operate their piece of equipment each day. The equipment consisted of bulldozers, compactors and loaders. Other than Lawrence Hagen, Jr., I do not know the addresses or any other contact information on these individuals. USEPA already has contact information for me and Lawrence Hagen, Jr.

20. State whether any officers or directors of Gary Development Co., Inc. approved, authorized, discussed, or had knowledge or awareness of any arrangement to dispose or abandon wastes from the facility at the Site.

Describe the nature and extent of such approval, authorization, discussion, knowledge, or awareness.

OBJECTION TO REQUEST NO. 20

I object to this Information Request on the grounds that it is defective in form. The phrase "dispose or abandon wastes from the facility at the Site" is ambiguous and unclear.

RESPONSE TO REQUEST NO. 20

To the best of my knowledge, no officers or directors of Gary Development Co., Inc. approved, authorized, discussed, or had knowledge or awareness of any arrangement to dispose or abandon waste from the facility at the Site, except that food waste and miscellaneous non-hazardous rubbish generated on an ongoing basis at the facility was disposed in the landfill at the Site.

21. List all names under which Gary Development Co., Inc. has ever operated and has ever been incorporated, including, but not limited to Rock Road Construction Company. For each name listed, provide the following information which should include a copy of any document consulted, examined, or referred to:

RESPONSE TO REQUEST NO. 21

I do not know. To the best of my knowledge, Gary Development Co., Inc. never operated under any name other than Gary Development Company.

a) Whether the company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is not longer in business.

RESPONSE TO REQUEST NO. 21 a

Gary Development Co., Inc. dissolved on April 17, 1998.

b) Names, addresses, and telephone numbers of all officers and operations management personnel.

RESPONSE TO REQUEST NO. 21 b

Based on Gary Development Company records, it is my understanding that the names and last known addresses of officers are: William M. Nanini, President and Treasurer,

2120 West Ina Road, Suite 200, Tucson, Arizona 85741; Lawrence H. Hagen, Sr., Executive Vice President, 1648 Jupiter Cove, Unit 510, Jupiter, Florida 33469; James B. Nanini, Secretary, 7703 Sussex Creek Drive, Darien, Illinois 60561; Steven L. Nanini, Assistant Secretary, 2120 West Ina Road, Suite 200, Tucson, Arizona 85741.

Operations Management personnel: Lawrence Hagen, Sr.

- c) Names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of Gary Development Co., Inc.*

RESPONSE TO REQUEST NO. 21 c

To the best of my knowledge, Gary Development Company never had any subsidiaries, unincorporated divisions or operating units or affiliates. To the best of my knowledge, Rock Road Construction Company was a separate corporation and was the parent corporation of Gary Development Company.

- 22. Did Rock Road Construction Company participate in decisions regarding Gary Development Co., Inc.'s financial matters, or loan, grant, or otherwise advance any funds to Gary Development Co., Inc.? If your answer is anything other than a "no", describe how and to what extent Rock Road Construction Company participated in such decisions.*

RESPONSE TO REQUEST NO. 22

I do not know. I talked with Bill Nanini on the phone on a weekly basis and met with him at the Site six or seven times a year to consult with him about various decisions relating to operation of the Site. I believe Bill Nanini was president of Rock Road Construction Company as well as president of Gary Development Company.

- 23. Did Rock Road Construction Company participate in decisions regarding environmental matters at the Site, or have the capacity to control the disposal of hazardous substances at the Site? If your answer is anything other than "no", describe how and to what extent Rock Road Construction Company participated in such decisions.*

RESPONSE TO REQUEST NO. 23

No.

**BOSE
McKINNEY
& EVANS LLP**

ATTORNEYS AT LAW

Debbie Regel
July 1, 2003
Page 21

24. Identify all shared officers and directors of Rock Road Construction Company and Gary Development Co., Inc. and provide their titles, dates of service, and duties with Gary Development Co., Inc.

RESPONSE TO REQUEST NO. 24

I do not know, except that I believe Bill Nanini was president of Rock Road Construction and president of Gary Development Company.

25. Describe the extent and nature of your involvement in the design and/or construction of the landfill at the Site.

RESPONSE TO REQUEST NO. 25

I did not design the landfill. The landfill was designed by a registered civil engineer named Joe Tite. He was hired prior to when I began employment with Gary Development Company. I believe he was hired by Bill Nanini. He also wrote the new plans that were submitted for the renewal permit in 1980 as well as the plans for the permit that was initially granted in 1973.

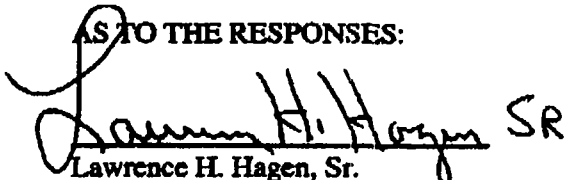
I was involved in the construction of the landfill. When I was hired, my first job was to de-water the lake. Then, I oversaw the initial excavation work that was done in accordance with the initial construction permit granted by the State of Indiana. The state then personally inspected the excavation, agreed that it was consistent with the requirements of the construction permit and issued operating permit 45-2.

26. Describe whether you participated in preparing, reviewing and/or approving of Gary Development Co., Inc.'s proposal to operate a landfill at the Site submitted to the Indiana State Board of Health on May 31, 1973.

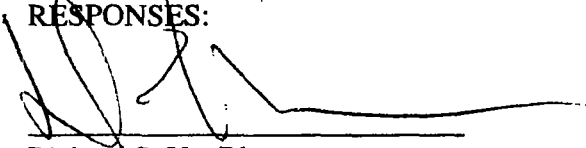
RESPONSE TO REQUEST NO. 26

No. To my knowledge, this was handled by Bill Nanini, Joe Tite, who designed the landfill, and a consultant named Chris Zechariahs, who was from Highland, Indiana.

AS TO THE RESPONSES:


Lawrence H. Hagen, Sr.

AS TO THE OBJECTIONS AND
THE PREPARATION OF THE
RESPONSES:



Richard S. VanRheenen
BOSE McKINNEY & EVANS LLP
Counsel Lawrence H. Hagen, Sr.

RSV/es

468877 / 9273.02

1.00 per yd loose
1.35 per yd compacted
2.00 per yd trees

7020 Cline Ave.
Hammond, Ind. 46323
Talk to Bart Kuznetsov

Red Top Trucking - Vlc Kitch Phone# 849-2100

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700 S. 25th Ave.
Bellwood, Ill. 60104
Attn. MR. Paul Andre
Bill to Borg Warner Monthly

Hauler-- RFI Vanderwolen
Attn. Jim Norman 1-312-225-6907
0307-545-212-1
4.25 per cu yd

Fred C. Rowley Phone# 931-5450
4732 Calumet Ave.
Hammond Ind. 46320

\$1.00 per yd loose 4 wheeler 12 yds

1.00 per yd roll off
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2.00

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Garling Construction Co. Inc.
P.O. Box M-879
Crown Point, Ind. 46307
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Wisconsin

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Crown Point, Ind. 46307
Mike Bobruk
\$1.00 per yd roll off ---Cash only
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All boxes 15 cu. yds.
 \$1.00 per yd. loose

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\$1.00 per yd roll off
 \$1.35 per yd. compacted
 \$2.00 per yd. for large paper rolls in roll off

200 Box 6218
 Gary, Ind. 46406
 949-4275
 Bill Bogner Jr.
 Larry Bode
 Phone # 769-3419

LAND LAW

Industrial Disposal Corp. Phone 397-2656
 P.O. Box 39
 East Chicago, Ind. 46312
 Dan Mc Ardle Mgr.

Roll Off \$1.00 per yd. ~~1.35~~ 1.35
 Compacted \$1.35 per yd. ~~1.35~~ 2.30
 Sludge ~~1.35 per gal.~~ 1.35
 Dust ~~1.35 per yd.~~ 1.35
 Cylindrical 1.50 ea.

6 STANO SLUGS 15115 Pumps
 BOF-CENTRAL WASTE MSO SLUGS 8,108 Pumps
 GEORGIA PACIFIC - AMERICAN RECOVERY, UNICOR, etc.
 18,118 Pumps

Green Bros. Waste Disposal Service
 3100 W. Wireton Rd. 317-385-7232
 Blue Island, Ill. 60406 312-385-8252

Roger Groen Sr.

Flyash Co.
 American Ash & Flyash Corp. Phone Gary 459-4444
 2900 W. Rogers Ave. Phone Chg. 1-312-266-2227
 Chicago, Ill. 60646
 111 W. 11th St. Room 1016
 Gary, Ind. 46406
 Allen Dunbar Supt. Gary plant.
 Joe Pound Vice Pres.

Bottom Ash and Flyash \$2.02 per ton
 Dec 1-1981
 3-2284
 H. 11/11/81
 500 Pumps
 April 1-1981
 March 1-1982 4.02 per ton
 June 1982 2.52 per ton
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 Whiting, Ind. 46394

\$1.00 per yd. loose--6 wheel dumps 12 yds.
 \$2.00 per yd. trees.

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 \$1.35 per yd compacted
 1'85
 230
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 Chicago, IL 60608
 1-312-844-6869

5-20-83

TRIPLE R SCRAPERS INC
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 Hammond Ind. 46320

931-8419 HARVEY ROBINSON
 845-9722

1-312-385-8252

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WHITON 46394

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LOMBARD IL. 60148

1-312-484-5535

Jim Vankampen

Res: 1-312-627-3798

Sanitation Service Inc. Phone # 944-7142
P.O. Box 30 W-693
GARY, Ind. 46401
Jay Ruesthoven - owner
\$1.00 per yd roll off
\$.35 per yd. compacted

Some as D & D Disposal
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Chicago, Ill. 60608

Loop Transfer Inc.
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CHICAGO, ILL. 60608

1-312-978-7800

Mc Donalds Waste

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Crown Point Ind. 46307

Phone 663-8919

Ralph Jones

Dario Mc Daniel PRN

P. Zaccari

Phone # 1-312-529-0090

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Roselle, Ill. 60172

Asbestos Material

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 1-312-279-5510

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 Hillside IL 60402

Before Van Tholen

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 1-312-279-5510

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 OWNER
Tri-Creek Disposal
 COMMERCIAL & RESIDENTIAL WASTE

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 TEL: 800-4551

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 LOWELL, IN 46208

South Chicago Disposal 931-2552

P.O. Box 17557
 Chicago, IL 60617

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640 742-9.

MARVIN AARDEMA
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931-2552

February 2000 4,500 per yr.

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 Hillside IL 60402

Van Tholen Disposal Inc

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 Crown Point, Ind. 46307

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JAY HANN

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 Loose 1.85

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 PALM HEIGHTS IL.

J. SLUIS

312-388-7034

Conco 7-12-98

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MC COOK ILL 60525
Diane Bude

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16557 DOWSON
SANTA HOLLAND, ILL. 60473
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1-312-325-8045

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1-312-326-8878
OW SCHAFF
RICH VAN HADAM
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NATIONAL SEARCHERS SERVICE
ALCO

659-8201

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1333 - 125 ST.
WHITING ILL. 46294
Geo. Hirsch

312-332-5251

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15746 CHURCH DRIVE
SO. HOLLAND ILL. 60473
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Tony Hagens

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BLUE MOUNTAIN, IL 60088

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Great Lakes Disposal
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Lynwood, IL 60466

~~312-758-7108~~ 388-9999
1-312-388-9999

Rich Dykstra

1-312-829-5741

Hovins & Sons Inc.
1220 W - CARROLL ST
CHICAGO, IL 60607

Ken Hovins

PETER LAMING Sons INC.
18508 RIGGWOOD
LANSING IL 60438

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Illiana Disposal Inc. Phone 1-865-3034
P.O. Box 1576 1599
Hammond, Ind. 46322
HAGAN INC. 46322
Don Hagan

\$1.00 per yd. roll off 1,85
\$1.25 per yd compacted 2,30

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SHEGERVILLE, INO. 46322

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Shannon Farm Trac

Clark Material Handover Inc
425 W. 152nd St.
East Chicago, IN 46312

398-1309

Commercial Waste Phone # 769-7444
P.O. Box 435
Crown Point, Ind. 46307
Ron Venema

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\$1.25 per yd. compacted 2.30
\$2.00 per yd. bales
350

Calumet Waste Systems

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Hammond, Ind. 46324

Phil Pook - office mgr.

Roll-off

\$1.00 per yd. 1.85

Compacted \$1.25 per yd. 2.30

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John

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Don

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1-312-447-0048

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Forest Park IL 60130

312-447-0048

Emmet Flood

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901 West 31st St.
Chicago, IL 60608
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Active Service Corp.
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Chesteron, Ind. 46304
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1-828-9018 Garage

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185
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Tinley Park, IL 60477

Russ Meyer

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ALME SCRAPPER SERVICE INC.
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CRISTWATER, IL 60445

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389-0074

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